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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 03, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

Case No.: 1:23-CR-2037-SAB-3

11 Plaintiff,

Plea Agreement

12 v.

13 JOSHAWA MAX ESTRADA,

15 Defendant.

17 Plaintiff United States of America, by and through Vanessa R. Waldref,
18 United States Attorney the Eastern District of Washington, and Michael D.
19 Murphy and Thomas J. Hanlon, Assistant United States Attorneys for the Eastern
20 District of Washington, and Defendant Joshawa Max Estrada (“Defendant”), both
21 individually and by and through Defendant’s counsel, Gregory L. Scott, agree to
22 the following Plea Agreement.

23 1. Guilty Plea and Maximum Statutory Penalties

24 Defendant agrees to enter a plea of guilty to Count 4 of the Superseding
25 Indictment filed on June 11, 2024, which charges Defendant with Accessory After
26 the Fact, in violation of 18 U.S.C. § 3.

27 Defendant understands that the following potential penalties apply:

- 28 a. a term of imprisonment of no more than 15 years;

- 1 b. a term of supervised release of no more than 5 years;
- 2 c. a fine of up to \$125,000;
- 3 d. restitution; and
- 4 e. a \$100 special penalty assessment.

5 2. Supervised Release

6 Defendant understands that if Defendant violates any condition of
7 Defendant's supervised release, the Court may revoke Defendant's term of
8 supervised release, and require Defendant to serve in prison all or part of the term
9 of supervised release authorized by statute for the offense that resulted in such term
10 of supervised release without credit for time previously served on postrelease
11 supervision, up to the following terms:

- 12 a. 5 years in prison if the offense that resulted in the term of
13 Supervised Release is a class A felony,
- 14 b. 3 years in prison if the offense that resulted in the term of
15 Supervised Release is a class B felony, and/or
- 16 c. 2 years in prison if the offense that resulted in the term of
17 Supervised Release is a class C felony.

18 Accordingly, Defendant understands that if Defendant commits one or more
19 violations of supervised release, Defendant could serve a total term of
20 incarceration greater than the maximum sentence authorized by statute for
21 Defendant's offense or offenses of conviction.

22 3. The Court is Not a Party to this Plea Agreement

23 The Court is not a party to this Plea Agreement and may accept or reject it.
24 Defendant acknowledges that no promises of any type have been made to
25 Defendant with respect to the sentence the Court will impose in this matter.

26 Defendant understands the following:

- 27 a. sentencing is a matter solely within the discretion of the Court;

- 1 b. the Court is under no obligation to accept any recommendations
- 2 made by the United States or Defendant;
- 3 c. the Court will obtain an independent report and sentencing
- 4 recommendation from the United States Probation Office;
- 5 d. the Court may exercise its discretion to impose any sentence it
- 6 deems appropriate, up to the statutory maximum penalties;
- 7 e. the Court is required to consider the applicable range set forth
- 8 in the United States Sentencing Guidelines, but may depart
- 9 upward or downward under certain circumstances; and
- 10 f. the Court may reject recommendations made by the United
- 11 States or Defendant, and that will not be a basis for Defendant
- 12 to withdraw from this Plea Agreement or Defendant's guilty
- 13 plea.

14 4. Potential Immigration Consequences of Guilty Plea

15 If Defendant is not a citizen of the United States, Defendant understands the
16 following:

- 17 a. pleading guilty in this case may have immigration
- 18 consequences;
- 19 b. a broad range of federal crimes may result in Defendant's
- 20 removal from the United States, including the offense to which
- 21 Defendant is pleading guilty;
- 22 c. removal from the United States and other immigration
- 23 consequences are the subject of separate proceedings; and
- 24 d. no one, including Defendant's attorney or the Court, can predict
- 25 with absolute certainty the effect of a federal conviction on
- 26 Defendant's immigration status.

1 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily
2 pleading guilty as set forth in this Plea Agreement, regardless of any immigration
3 consequences that Defendant's guilty plea may entail.

4 5. Waiver of Constitutional Rights

5 Defendant understands that by entering this guilty plea, Defendant is
6 knowingly and voluntarily waiving certain constitutional rights, including the
7 following:

- 8 a. the right to a jury trial;
9 b. the right to see, hear and question the witnesses;
10 c. the right to remain silent at trial;
11 d. the right to testify at trial; and
12 e. the right to compel witnesses to testify.

13 While Defendant is waiving certain constitutional rights, Defendant
14 understands that Defendant retains the right to be assisted by an attorney through
15 the sentencing proceedings in this case and any direct appeal of Defendant's
16 conviction and sentence, and that an attorney will be appointed at no cost if
17 Defendant cannot afford to hire an attorney.

18 Defendant understands and agrees that any defense motions currently
19 pending before the Court are mooted by this Plea Agreement, and Defendant
20 expressly waives Defendant's right to bring any additional pretrial motions.

21 6. Elements of the Offense

22 The United States and Defendant agree that in order to convict Defendant of
23 Accessory After the Fact, in violation of 18 U.S.C. § 3, the United States would
24 have to prove the following beyond a reasonable doubt.

- 25 a. *First*, Uriel Balentin Badillo committed the crime of
26 Kidnapping Resulting in Death;

- 1 b. *Second*, the Defendant knew that Uriel Balentin Badillo
2 ████████ had committed the crime of Kidnapping Resulting in
3 Death; and
4 c. *Third*, the Defendant assisted Uriel Balentin Badillo with the
5 specific purpose or design to hinder or prevent that person's
6 apprehension.

7 *9th Cir. Jury Instr. 4.3 (Rev. Mar 2018)(modified)*

8 7. Factual Basis and Statement of Facts

9 The United States and Defendant stipulate and agree to the following: the
10 facts set forth below are accurate; the United States could prove these facts beyond
11 a reasonable doubt at trial; and these facts constitute an adequate factual basis for
12 Defendant's guilty plea.

13 The United States and Defendant agree that this statement of facts does not
14 preclude either party from presenting and arguing, for sentencing purposes,
15 additional facts that are relevant to the Sentencing Guidelines computation or
16 sentencing, unless otherwise prohibited in this Plea Agreement.

17 On or about October 6, 2018, at 4670 Branch Road, Wapato, Washington¹,
18 Uriel Balentin Badillo (hereinafter "Badillo") utilized a firearm and shot and
19 murdered Jedishah Iesha Moreno (hereinafter "Moreno.") Andrew Norris Zack
20 (hereinafter "Zack"), a male juvenile (hereinafter "Juvenile #1"), and a female
21 juvenile (hereinafter "Juvenile #2") were present at the time of the murder.
22 Moreno was restrained with a cargo strap and duct tape and forced into the trunk of
23 a vehicle prior to being shot and murdered. After the murder, Juvenile #1 and
24 Juvenile #2 transported Moreno's body to another location and dumped the body
25 on the side of a road within the exterior boundaries of the Yakama Nation Indian
26
27

28

¹ The residence is located within the exterior boundaries of the Yakama Nation Indian Reservation and in Indian Country.

1 Reservation and in Indian Country. The Defendant was not present when Moreno
2 was murdered.

3 On or about October 7, 2018, the Defendant traveled to his home located at
4 4670 Branch Road, Wapato, Washington. The Defendant spoke to Badillo, Zack,
5 and C.B. The Defendant observed that Badillo and Zack were acting odd. The
6 Defendant observed that Zack was bleeding. The Defendant observed bullet holes
7 in the garage. The Defendant asked several questions. In response to his
8 questions, either Zack or Badillo stated, "if you want to know, you are going to be
9 a part of it so if one of us goes down, we ~~all~~ go down." The Defendant insisted on
10 wanting to know what had happened. In response, Zack and Badillo told the
11 Defendant that Badillo shot and murdered Moreno. Zack and Badillo described
12 how Moreno had been restrained, forced into the trunk of a vehicle, and then
13 murdered. Zack and Badillo also explained why Moreno had been murdered. The
14 Defendant learned that Juvenile #1 had transported Moreno's body to another
15 location to dump the body. Juvenile #1 told the Defendant that he had shot
16 Moreno's body after she had been dumped on the side of the road.

17 Badillo instructed the Defendant to find Moreno's body and remove the
18 cargo strap from her body. Badillo expressed his concern that he may have left his
19 DNA and/or fingerprints on the cargo strap. Badillo also requested that the
20 Defendant move Moreno's body to a location where it would not be found. The
21 purpose of moving Moreno's body was to conceal the murder and hinder or
22 prevent Badillo's apprehension. The Defendant and Juvenile #1 departed from
23 4670 Branch Road in the Defendant's truck and traveled to the area where
24 Moreno's body had been dumped. The Defendant and Juvenile #1 found Moreno's
25 body and loaded her body onto the back of the truck. The Defendant transported
26 Moreno's body to a rural section of the Yakama Nation Indian Reservation, in the
27 closed area, in Indian Country. The Defendant and Juvenile #1 then dumped
28 Moreno's body. At some point, the Defendant and Juvenile #1 also removed the

1 cargo strap from Moreno's body. After dumping Moreno's body, the Defendant
2 saw Juvenile #1 fire several rounds into Moreno's body.

3 The Defendant and Juvenile #1 traveled back to Wapato and met with Zack
4 and Badillo. The Defendant handed Badillo the cargo strap that had been removed
5 from Moreno's body so that Badillo could destroy the evidence. The Defendant
6 does not know for certain what Badillo did with the cargo strap that had been
7 removed from Moreno's body.

8 On August 28, 2018, a citizen found human remains in the closed area of the
9 Yakama Nation Indian Reservation. A forensic examiner identified the remains as
10 Moreno.

11 8. The United States' Agreements

12 The United States Attorney's Office for the Eastern District of Washington
13 agrees not to bring additional charges against Defendant based on information in
14 its possession at the time of this Plea Agreement that arise from conduct that is
15 either charged in the Indictment or identified in discovery produced in this case,
16 unless Defendant breaches this Plea Agreement before sentencing.

17 9. United States Sentencing Guidelines Calculations

18 Defendant understands and acknowledges that the United States Sentencing
19 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine
20 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.
21 The United States and Defendant agree to the following Guidelines calculations.

22 a. Base Offense Level

23 The United States and the Defendant agree that the base offense level for
24 being an Accessory After the Fact is 30. U.S.S.G. § 2X3.1.

25 b. Special Offense Characteristics

26 The United States and the Defendant have no agreement as to any specific
27 offense characteristics.

28 c. Acceptance of Responsibility

1 The United States will recommend that Defendant receive a downward
2 adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(a), (b), if
3 Defendant does the following:

- 4 i. accepts this Plea Agreement;
- 5 ii. enters a guilty plea at the first Court hearing that takes
6 place after the United States offers this Plea Agreement;
- 7 iii. demonstrates recognition and affirmative acceptance of
8 Defendant's personal responsibility for Defendant's
9 criminal conduct;
- 10 iv. provides complete and accurate information during the
11 sentencing process; and
- 12 v. does not commit any obstructive conduct.

13 The United States and Defendant agree that at its option and on written
14 notice to Defendant, the United States may elect not to recommend a reduction for
15 acceptance of responsibility if, prior to the imposition of sentence, Defendant is
16 charged with, or convicted of, any criminal offense, or if Defendant tests positive
17 for any controlled substance.

18 d. No Other Agreements

19 The United States and Defendant have no other agreements regarding the
20 Guidelines or the application of any Guidelines enhancements, departures, or
21 variances. Defendant understands and acknowledges that the United States is free
22 to make any sentencing arguments it sees fit, including arguments arising from
23 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
24 pursuant to this Agreement, and Defendant's relevant conduct.

25 e. Criminal History

26 The United States and Defendant have no agreement and make no
27 representations about Defendant's criminal history category, which will be
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1 determined by the Court after the United States Probation Office prepares and
2 discloses a Presentence Investigative Report.

3 10. Incarceration

4 The United States agrees to recommend a sentence no higher than the low
5 end of the Guidelines, as calculated by the United States.

6 Defendant may recommend any legal sentence.

7 11. Supervised Release

8 The United States and Defendant each agree to recommend 5 years of
9 supervised release. Defendant agrees that the Court's decision regarding the
10 conditions of Defendant's Supervised Release is final and non-appealable; that is,
11 even if Defendant is unhappy with the conditions of Supervised Release ordered by
12 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty
13 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,
14 sentence, or any term of Supervised Release.

15 The United States and Defendant agree to recommend that in addition to the
16 standard conditions of supervised release imposed in all cases in this District, the
17 Court should also impose the following conditions:

- 18 a. The United States Probation Officer may conduct, upon
19 reasonable suspicion, and with or without notice, a search of
20 Defendant's person, residences, offices, vehicles, belongings,
21 and areas under Defendant's exclusive or joint control.
- 22 b. Defendant shall participate and complete such drug testing and
23 drug treatment programs as the Probation Officer directs.
- 24 c. Defendant shall complete mental health evaluations and
25 treatment, including taking medications prescribed by the
26 treatment provider. Defendant shall allow reciprocal release of
27 information between the Probation Officer and the treatment

1 provider. Defendant shall contribute to the cost of treatment
2 according to the Defendant's ability.

3 12. Criminal Fine

4 The United States and Defendant may make any recommendation
5 concerning the imposition of a criminal fine. Defendant acknowledges that the
6 Court's decision regarding a fine is final and non-appealable; that is, even if
7 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for
8 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
9 Agreement, or appeal Defendant's conviction, sentence, or fine.

10 13. Mandatory Special Penalty Assessment

11 Defendant agrees to pay the \$100 mandatory special penalty assessment to
12 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.
13 § 3013.

14 14. Restitution

15 The United States and Defendant agree that restitution is appropriate and
16 mandatory, without regard to Defendant's economic situation, to identifiable
17 victims who have suffered physical injury or pecuniary loss, pursuant to 18 U.S.C.
18 §§ 3663A, 3664.

19 Pursuant to 18 U.S.C. § 3663(a)(3), Defendant voluntarily agrees to pay
20 restitution for all losses caused by Defendant's individual conduct, in exchange for
21 the United States not bringing additional potential charges, regardless of whether
22 counts associated with such losses will be dismissed as part of this Plea
23 Agreement. With respect to restitution, the United States and Defendant agree to
24 the following:

25 a. Restitution Amount and Interest

26 The United States and Defendant stipulate and agree that, pursuant to 18
27 U.S.C. §§ 3663, 3663A and 3664, the Court should order restitution in an amount
28 not to exceed \$50,000.00.

1 b. Payments

2 To the extent restitution is ordered, the United States and Defendant agree
3 that the Court will set a restitution payment schedule based on Defendant's
4 financial circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant
5 agrees to pay not less than 10% of Defendant's net monthly income towards
6 restitution.

7 c. Treasury Offset Program and Collection

8 Defendant understands the Treasury Offset Program ("TOP") collects
9 delinquent debts owed to federal agencies. If applicable, the TOP may take part or
10 all of Defendant's federal tax refund, federal retirement benefits, or other federal
11 benefits and apply these monies to Defendant's restitution obligations. 26 U.S.C.
12 § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

13 Defendant understands that the United States may, notwithstanding the
14 Court-imposed payment schedule, pursue other avenues to ensure the restitution
15 obligation is satisfied, including, but not limited to, garnishment of available funds,
16 wages, or assets. 18 U.S.C. §§ 3572, 3613, and 3664(m).

17 Nothing in this acknowledgment shall be construed to limit Defendant's
18 ability to assert any specifically identified exemptions as provided by law, except
19 as set forth in this Plea Agreement.

20 Until Defendant's fine and restitution obligations are paid in full, Defendant
21 agrees fully to disclose all assets in which Defendant has any interest or over
22 which Defendant exercises control, directly or indirectly, including those held by a
23 spouse, nominee or third party.

24 Until Defendant's fine and restitution obligations are paid in full, Defendant
25 agrees to provide waivers, consents, or releases requested by the U.S. Attorney's
26 Office to access records to verify the financial information.

27 d. Notifications and Waivers

28 Defendant agrees to notify the Court and the United States of any material

1 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,
2 changed employment, or income increases) that might affect Defendant's ability to
3 pay restitution. 18 U.S.C. § 3664(k). Defendant also agrees to notify the United
4 States of any address change within 30 days of that change. 18 U.S.C.
5 § 3612(b)(1)(F). These obligations cease when Defendant's fine and restitution
6 obligations are paid in full.

7 Defendant acknowledges that the Court's decision regarding restitution is
8 final and non-appealable; that is, even if Defendant is unhappy with the amount of
9 restitution ordered by the Court, that will not be a basis for Defendant to withdraw
10 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal
11 Defendant's conviction, sentence, or restitution order.

12 15. Payments While Incarcerated

13 If Defendant lacks the financial resources to pay the monetary obligations
14 imposed by the Court, Defendant agrees to earn money toward these obligations by
15 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

16 16. Additional Violations of Law Can Void Plea Agreement

17 The United States and Defendant agree that the United States may, at its
18 option and upon written notice to the Defendant, withdraw from this Plea
19 Agreement or modify its sentencing recommendation if, prior to the imposition of
20 sentence, Defendant is charged with or convicted of any criminal offense or tests
21 positive for any controlled substance.

22 17. Waiver of Appeal Rights

23 Defendant understands that Defendant has a limited right to appeal or
24 challenge Defendant's conviction and the sentence imposed by the Court.

25 Defendant expressly waives all of Defendant's rights to appeal Defendant's
26 conviction and the sentence the Court imposes.

27 Defendant expressly waives Defendant's right to appeal any fine, term of
28 supervised release, or restitution order imposed by the Court.

1 Defendant expressly waives the right to file any post-conviction motion
2 attacking Defendant's conviction and sentence, including a motion pursuant to 28
3 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from
4 information not now known by Defendant and which, in the exercise of due
5 diligence, Defendant could not know by the time the Court imposes sentence.

6 Nothing in this Plea Agreement shall preclude the United States from
7 opposing any post-conviction motion for a reduction of sentence or other attack
8 upon the conviction or sentence, including, but not limited to, writ of habeas
9 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

10 18. Withdrawal or Vacatur of Defendant's Plea

11 Should Defendant successfully move to withdraw from this Plea Agreement
12 or should Defendant's conviction be set aside, vacated, reversed, or dismissed
13 under any circumstance, then:

- 14 a. this Plea Agreement shall become null and void;
- 15 b. the United States may prosecute Defendant on all available
16 charges;
- 17 c. The United States may reinstate any counts that have been
18 dismissed, have been superseded by the filing of another
19 charging instrument, or were not charged because of this Plea
20 Agreement; and
- 21 d. the United States may file any new charges that would
22 otherwise be barred by this Plea Agreement.

23 The decision to pursue any or all of these options is solely in the discretion
24 of the United States Attorney's Office.

25 Defendant agrees to waive any objections, motions, and/or defenses
26 Defendant might have to the United States' decisions to seek, reinstate, or reinitiate
27 charges if a count of conviction is withdrawn, set aside, vacated, reversed, or
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1 dismissed, including any claim that the United States has violated Double
2 Jeopardy.

3 Defendant agrees not to raise any objections based on the passage of time,
4 including but not limited to, alleged violations of any statutes of limitation or any
5 objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
6 Amendment.

7 19. Admissibility of Facts and Prior Statements

8 By signing this Plea Agreement, Defendant admits the truth of the facts set
9 forth in the Factual Basis section of this Plea Agreement and agrees that these
10 facts, along with any written or oral statements Defendant makes in court, shall be
11 deemed usable and admissible against Defendant in any subsequent legal
12 proceedings, including criminal trials and/or sentencing hearings, under Federal
13 Rule of Evidence 801(d)(2)(A).

14 Defendant acknowledges, admits, and agrees that by signing this Plea
15 Agreement, Defendant is expressly modifying and waiving Defendant's rights
16 under Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410
17 with regard to any facts Defendant admits and/or any statements Defendant makes
18 in court.

19
20 20. Integration Clause

21 The United States and Defendant acknowledge that this document
22 constitutes the entire Plea Agreement between the United States and Defendant,
23 and no other promises, agreements, or conditions exist between the United States
24 and Defendant concerning the resolution of the case.

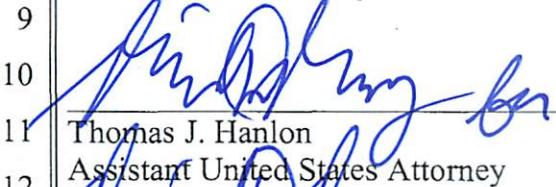
25 This Plea Agreement is binding only on the United States Attorney's Office
26 for the Eastern District of Washington, and cannot bind other federal, state, or local
27 authorities.

1 The United States and Defendant agree that this Agreement cannot be
2 modified except in a writing that is signed by the United States and Defendant.
3

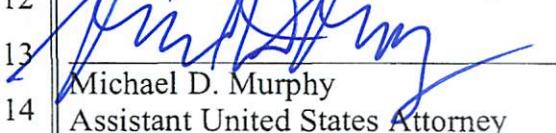
4 Approvals and Signatures

5 Agreed and submitted on behalf of the United States Attorney's Office for
6 the Eastern District of Washington.

7 Vanessa R. Waldref
8 United States Attorney

9 
10 Thomas J. Hanlon

11 Assistant United States Attorney

12 
13 Michael D. Murphy

14 Assistant United States Attorney

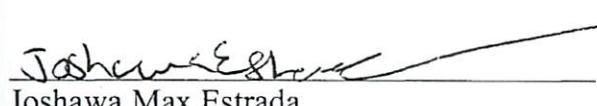
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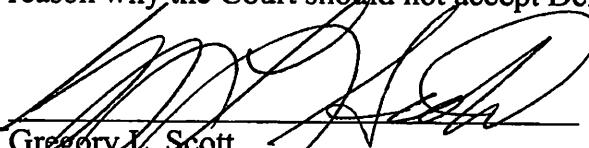
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17 I have read this Plea Agreement and I have carefully reviewed and discussed
18 every part of this Plea Agreement with my attorney. I understand the terms of this
19 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and
20 voluntarily. I have consulted with my attorney about my rights, I understand those
21 rights, and I am satisfied with the representation of my attorney in this case. No
22 other promises or inducements have been made to me, other than those contained
23 in this Plea Agreement. No one has threatened or forced me in any way to enter
24 into this Plea Agreement. I agree to plead guilty because I am guilty.

25 
26 Joshawa Max Estrada
27 Defendant

14 Nov 2024

Date

1 I have read the Plea Agreement and have discussed the contents of the
2 agreement with my client. The Plea Agreement accurately and completely sets
3 forth the entirety of the agreement between the parties. I concur in my client's
4 decision to plead guilty as set forth in the Plea Agreement. There is no legal
5 reason why the Court should not accept Defendant's guilty plea.

6 
7 Gregory L. Scott
8 Attorney for Defendant

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14 Nov 2024
Date